

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 289

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO HEALTH INSURANCE; REQUIRING COVERAGE FOR MEDICAL
DIETS REQUIRED TO CONTROL INBORN ERRORS OF METABOLISM; ENACTING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 59A, Article 22 NMSA
1978 is enacted to read:

"NEW MATERIAL COVERAGE FOR MEDICAL DIETS FOR INBORN
ERRORS OF METABOLISM --

A. As of July 1, 2003, each individual and group
health insurance policy, health care plan, certificate of
health insurance and managed health care plan delivered, issued
for delivery, renewed, extended or modified in this state shall
provide coverage for the treatment of inborn errors of
metabolism that involve amino acid, carbohydrate and fat

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = del etc

1 metabolism and for which medically standard methods of
2 diagnosis, treatment and monitoring exist.

3 B. Coverage shall include expenses of diagnosing,
4 monitoring and controlling disorders by nutritional and medical
5 assessment, including clinical services, biochemical analysis,
6 medical supplies, prescription drugs, corrective lenses for
7 conditions related to the inborn error of metabolism,
8 nutritional management and medical foods used in treatment to
9 compensate for the metabolic abnormality and to maintain
10 adequate nutritional status.

11 C. Services required to be covered pursuant to this
12 section are subject to the terms and conditions of the
13 applicable individual or group policy or plan that establishes
14 durational limits, dollar limits, deductibles and co-payments
15 as long as the terms are not less favorable than for physical
16 illness generally.

17 D. As used in this section:

18 (1) "medical foods" means nutritional
19 substances in any form that are:

20 (a) formulated to be consumed or
21 administered internally under the supervision of a physician;

22 (b) specifically processed or formulated
23 to be distinct in one or more nutrients present in natural
24 food;

25 (c) intended for the medical and

underscored material = new
[bracketed material] = delete

1 nutritional management of patients with limited capacity to
2 metabolize ordinary foodstuffs or certain nutrients contained
3 in ordinary foodstuffs or who have other specific nutrient
4 requirements as established by medical evaluation; and

5 (d) essential to optimize growth, health
6 and metabolic homeostasis; and

7 (2) "treatment" means medical services
8 provided by licensed health care professionals, including
9 physicians, dieticians and nutritionists, with specific
10 training in managing patients diagnosed with inborn errors of
11 metabolism "

12 Section 2. A new section of Chapter 59A, Article 46 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] COVERAGE FOR MEDICAL DIETS FOR INBORN
15 ERRORS OF METABOLISM --As of July 1, 2003, each health
16 maintenance organization that delivers or issues for delivery
17 in the state an individual or group contract shall provide
18 coverage for the treatment of inborn errors of metabolism as
19 set forth in Chapter 59A, Article 22 NMSA 1978. "

20 Section 3. A new section of Chapter 59A, Article 47 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] COVERAGE FOR MEDICAL DIETS FOR INBORN
23 ERRORS OF METABOLISM --As of July 1, 2003, subscriber contracts
24 of a health care plan shall also be subject to coverage for
25 medical diets for inborn errors of metabolism as required of

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

health insurers in Chapter 59A, Article 22 NMSA 1978. "